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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 RICHARD ESPOSITO,
Defendant.

Case No. 2:23-mj-349-BNW

**JOINT STATUS REPORT AND
STIPULATION TO CLOSE CASE**

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between
17 Jason M. Frierson, United States Attorney, and Melanee Smith, Assistant United
18 States Attorney, counsel for the United States of America, and Rene L. Valladares,
19 Federal Public Defender, and Keisha K. Matthews, Assistant Federal Public
20 Defender, counsel for Richard Esposito, that the remaining term of unsupervised
21 probation be terminated, all property confiscated at the time of arrest be returned,
22 and the above-captioned matter be closed.

23 This Stipulation is entered into for the following reasons:

24 1. On October 11, 2023, Mr. Esposito entered into a Petty Offense Plea
25 Agreement with the United States in which he agreed to plead guilty to Count One
26

1 of the Complaint, Operating a Motor Vehicle while Under the Influence of Alcohol
2 in violation of 36 C.F.R. § 4.23(a)(1), a Class B misdemeanor. *See* ECF No. 13.

3 2. The parties agreed to recommend that Mr. Esposito be sentenced to
4 one year of unsupervised probation with the following special conditions: (i) pay a
5 \$500 fine and a mandatory \$10 penalty assessment; (ii) attend and complete the
6 Lower Court Counseling's DUI and Victim Impact Panel; (iii) complete an 8-hour
7 Drug and Alcohol Awareness course; (iv) not return to Lake Mead National
8 Recreation Area for a period of six months; and (v) not violate any local, state, or
9 federal laws for a period of six (6) months.

10 3. On October 11, 2023, this Court sentenced Mr. Esposito pursuant to
11 the parties' plea agreement.

12 4. Since commencing his term of unsupervised probation, Mr. Esposito
13 has successfully completed conditions (i), (ii), (iii), (iv) and (v).

14 5. The parties agree to jointly move to allow Mr. Esposito to withdraw
15 his plea of guilty to Count 1- Operating a Motor Vehicle while Under the Influence
16 of Alcohol in violation of 36 C.F.R. § 4.23(a)(1).

17 6. The government hereby moves, pursuant to the plea agreement to
18 amend Count 1 of the Complaint to a charge of Reckless Driving, a violation of Title 36
19 C.F.R. § 4.2(b) and NRS 484B.653.

20 7. Mr. Esposito hereby pleads guilty to the amended Count 1 of the
21 Complaint.

22 8. The parties jointly request that the original sentence be applied to the
23 Reckless Driving conviction.

24 9. Considering Mr. Esposito has successfully completed the above terms
25 and conditions of his sentence, the parties jointly request that the remaining term
26

1 of unsupervised probation be terminated, and the above-captioned matter be
2 closed.

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4 DATED this 12th day of April 2024.

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6 RENE L. VALLADARES
7 Federal Public Defender

JASON M. FRIERSON
United States Attorney

8 */s/ Keisha K. Matthews*
9 By _____

/s/ Melanee Smith
By _____

10 KEISHA K. MATTHEWS
Assistant Federal Public Defender

MELANEE SMITH
Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,
4 Plaintiff,

5 v.

6 RICHARD ESPOSITO,
7 Defendant.
8

Case No. 2:23-mj-349-BNW

ORDER

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10 Based on the pending Stipulation of counsel, and good cause appearing
11 therefore, the Court finds that:

12 1. Mr. Esposito has successfully completed the terms and conditions of
13 his sentence.

14 **ORDER**

15 IT IS HEREBY ORDERED that Mr. Esposito's request to withdraw his
16 guilty plea to Operating a Motor Vehicle while Under the Influence of Alcohol is
17 GRANTED.

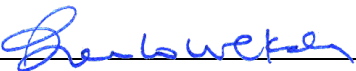
18 IT IS FURTHER ORDERED that the government's request to amend Count
19 One of the Complaint to a charge of Reckless Driving, a violation of 36 CFR § 4.2
20 and NRS 484B.653, a misdemeanor, is GRANTED.

21 IT IS FURTHER ORDERED that the Court accepts Mr. Esposito's guilty
22 plea to the amended Count 1 of the Complaint – Reckless Driving, a violation of 36
23 CFR § 4.2 and NRS 484B.653, a misdemeanor.

24 IT IS FURTHER ORDERED that the original sentence be applied to the
25 amended Count 1 of the Complaint.
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1 IT IS FURTHER ORDERED that because Mr. Esposito has completed all
2 terms and conditions of his sentence and unsupervised probation, this case be
3 closed.

4 DATED this 16 day of April 2024.

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8 UNITED STATES MAGISTRATE JUDGE
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